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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,455	10/25/2001	Thomas Duerr	60,126-196	3558
27305	7590 12/31/2003		EXAMINER	
HOWARD & HOWARD ATTORNEYS, P.C.			BUI, THACH H	
	THE PINEHURST OFFICE CENTER, SUITE #101 39400 WOODWARD AVENUE		ART UNIT	PAPER NUMBER
BLOOMFIEL	D HILLS, MI 48304-5	151	3752	
			DATE MAILED: 12/31/2003	, 9

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application No. DUERR, THOMAS 9	•	— .	(106)				
## Deficie Action Summary ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the protestons of 37 CFR 1.138(a). In or event, however, may a reply be timely filled If the period for reply is pecified above, the maximum statutory period will apply and will expire 3 K(x) 9 MONTHS from the mailing date of this communication will be specified above, the maximum statutory period will apply and will expire 3 K(x) 9 MONTHS from the mailing date of this communication. Any reply set will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire 3 K(x) 9 MONTHS from the mailing date of this communication. Any reply set why by the Child will be a familiage date of this communication. Any reply set which by the Status that the me miles date of this communication. Any reply set who by the Otto Extended that the three miles date of this communication, work if timely final, may reduce a my stratus. 1) ■ Responsive to communication(s) filled on 26 November 2003. 2a □ This action is FINAL. 2b) ■ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 13-22 and 25-28 is/are rejected. (5) □ Claim(s) 13-22 and 25-28 is/are rejected to. (6) □ Claim(s) 13-22 and 25 is/are objected to by the Examiner. Application Papers 9) □ The drawing(s) filed on		Application No.	Applicant(s)				
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Application/Control Number: 10/053,455

Art Unit: 3752

DETAILED ACTION

1. The amendment filed November 26, 2003 has been received and entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 13-14, 16-22 and 25-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito (U.S. Patent No. 5,820,036).

Saito teaches an atomizer for coating comprising a bell defining a channel for delivering powder paint to the workpieces being coated (4), a tube fluidly connected between a source of powder paint and the channel thereby providing powder paint to the channel (A) i.e. a distal end (defined between an external part, E and an internal part, D) (see Fig. 1) and a hollow shaft concentrically aligned with the tube defining an air channel therebetween (B), wherein the air channel (i.e. concentrically aligned within the hollow shaft) is fluidly connected between a source of pressurized air and the paint channel (A) define by the bell thereby providing pressurized air to the channel. The external part of the paint channel defines an outer conical surface. The apparatus includes a hub (18) (disposes between the first annular wall, 17 and a second annular wall, 17a) disposed between the hollow shaft and the bell and defining an annular opening for channeling air from the air channel to the paint channel and a guidance air

ring (26) directing pressurized air toward the conical surface of the external part. The hub defines an annular opening (26) having a volume less than a volume defined by the air channel; thereby increasing the pressure of air provided to the paint channel. Saito also teaches a first annular wall (17) defining a paint pipe and a second annular wall (17a) defining an air channel.

Allowable Subject Matter

3. Claims 15, 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. In view of the amendment filed on November 16, 2003 PROSECUTION IS HEREBY REOPENED.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on 703-308-2087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9302.

Application/Control Number: 10/053,455

Art Unit: 3752

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

1148.

Thach H. Bui Patent Examiner

AU 3752

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